

SERVICE DATE - NOVEMBER 28, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34079

SAN JACINTO RAIL LIMITED CONSTRUCTION EXEMPTION AND  
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY  
OPERATION EXEMPTION—BUILD-OUT TO THE BAYPORT LOOP NEAR  
HOUSTON, HARRIS COUNTY, TX

Decided: November 26, 2001

By petition filed on August 30, 2001, San Jacinto Rail Limited (San Jacinto) and The Burlington Northern and Santa Fe Railway Company (BNSF) seek an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 for the construction by San Jacinto and the operation by BNSF of a 12.8-mile line of railroad serving the Bayport Industrial District (Bayport Loop) in southeast Houston, Harris County, TX, near Galveston Bay. The line would connect the Bayport Loop with the former Galveston, Henderson and Houston Railroad line now owned by Union Pacific Railroad Company (UP) near the southeast corner of Ellington Field.

On August 30, 2001, the Bayport Producers, a shipper group, expressed an intention to participate in the proceeding in support of the proposed construction and operation.<sup>1</sup> On October 9, 2001, UP filed comments in which it questions the adequacy of BNSF's Houston facilities to accommodate the increased traffic volume that would result from the proposed build-out. On October 29, 2001, petitioners replied to UP's comments.

By this decision, the Board is instituting a proceeding under 49 U.S.C. 10502(b) to consider the petition and responsive pleadings. At this time, there does not appear to be a need for the parties to submit additional evidence.

It is ordered:

1. Under 49 U.S.C. 10502(b), a proceeding is instituted to consider the petition and responsive pleadings.
2. The proceeding will be completed by August 28, 2002.

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<sup>1</sup> The four members of the Bayport Producers are core producers in the Bayport Loop and each, through a wholly owned subsidiary, is a limited partner, along with BNSF, in San Jacinto.

3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary